



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert K. Corbin

December 15, 1981

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

INTERAGENCY
Mr. John A. Bedford, Acting Director
Arizona Commission of Agriculture and
Horticulture
1688 West Adams
Phoenix, Arizona 85007

Re: I81-131 (R81-148)

Dear Mr. Bedford:

In your letter to this office dated October 13, 1981, you asked us whether the Commission of Agriculture and Horticulture (the "Commission") has the authority to issue citations to operators of private vehicles if it is found that they attempted to enter Arizona concealing agricultural materials. For the reasons expressed hereafter, it is our opinion that the Commission does have the authority to issue citations to operators of private, as well as commercial, vehicles.

Under the Arizona Revised Statutes, failure to stop at an inspection station is an unlawful action. A.R.S. § 3-214 states as follows:

It is unlawful for a person in possession or in control of a vehicle to fail to stop the vehicle at a properly signed inspection station, or upon demand of a plant quarantine officer, for the purpose of determining whether any quarantine established pursuant to the provisions of law is being violated.

This provision makes no distinction between persons in private or commercial vehicles.

Further, the law states, in A.R.S. § 3-214, that the refusal or failure to comply with rules or regulations promulgated by the Commission is unlawful, and any person who

violates any provision of this article^{1/} is guilty of a Class 3 misdemeanor.^{2/}

You stated that the Commission presently issues citations or warrants for commercial vehicles found violating the agricultural laws pursuant to authority granted by A.R.S. § 3-216.B.^{3/} That provision, and A.R.S. § 3-216.A, indicate that an inspector is vested with the power of a peace officer to enforce compliance with the provisions of A.R.S. § 3-201 through 3-216.

None of the cited statutes applicable to the issuance of citations for violations of agricultural law distinguishes between the treatment to be afforded operators of private and commercial vehicles. The fundamental rule in interpreting statutory construction is to ascertain and give effect to the Legislature's intent. The intent of the Legislature is to be determined primarily from the language of the statute itself; and when that language is unambiguous and conveys a clear and definite meaning, there is no reason to resort to rules of statutory construction. Rather, the statute should be given

-
1. Sections 3-201 through 3-216.
 2. A.R.S. § 13-802.C, identifying the fine for a Class 3 misdemeanor states as follows:

A sentence to pay a fine for a Class 3 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than five hundred dollars.

3. A.R.S. § 3-216 states as follows:

A. When any power or authority is given by any provision of this article to any person, it may be exercised by any deputy, inspector or agent duly authorized by such person.

B. Any person in whom the enforcement of any provision of this article or articles 1 and 2 of chapter 1 of this title is vested has the power of a peace officer as to such enforcement.

Mr. John A. Bedford
December 15, 1981
Page 3

its plain and obvious meaning. United States Fidelity and Guaranty Company v. Michigan Bank, 27 Ariz.App. 478, 556 P.2d 326 (1976); DeWitt v. Magna Copper Company, 16 Ariz.App. 305, 492 P.2d 1243 (1972).

The language of A.R.S. § 3-214 is clear on its face and does not require the application of other rules of statutory construction to answer the question presented here. The phrase "It is unlawful for a person in possession or in control of a vehicle to fail to stop the vehicle at a properly signed inspection station . . .," clearly refers to any vehicle, private or commercial. This interpretation, we believe, fulfills the intent of the Legislature in enacting the statute. Statutory provisions A.R.S. § 3-201 through 3-216 indicate an intent on the part of the Legislature to prevent the illegal importation of agricultural material into the State from whatever source, private or commercial.

Therefore, the Commission does have the authority to issue citations to operators of private and commercial vehicles who are in violation of A.R.S. § 3-201 through 3-216.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:lm